

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MAJOR BRANDS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18-cv-00423-HEA
)	
MAST-JÄGERMEISTER US, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFF MAJOR BRANDS, INC.'S
MOTION FOR PROTECTIVE ORDER**

COMES NOW Plaintiff Major Brands, Inc. (“Major Brands”), by and through its counsel of record, and pursuant to Federal Rule of Civil Procedure 26(c), respectfully requests that this Court issue a protective order limiting the scope of Major Brands’ Corporate Representative Deposition to forbid as irrelevant questions relating to Major Brands’ relationship suppliers other than Jägermeister and questions relating to Major Brands’ ownership and efforts to sell or transfer any ownership interests. As grounds therefor, Major Brands states as follows:

1. On September 6, 2019, Defendants served a 30(b)(6) Notice of Deposition on Major Brands.
2. Major Brands promptly objected to many of the noticed topics, detailing its objections in correspondence provided to Defendants on September 13, 2019. The parties thereafter met and conferred on September 17, 2019.
3. The parties were able to resolve many of the disputed topics, and Defendants served a revised Notice reflecting the revised topics the parties had negotiated on September 17. Further efforts by Major Brands to narrow the dispute were rejected by Defendants on September 27. There remains a fundamental dispute on the proper scope of discovery in this case that prevents

resolution of several deposition topics. Namely, while Major Brands contends that whether or not it has a franchise relationship with Jägermeister is determined by its relationship *with Jägermeister*, Defendants contend that they should be permitted to probe into Major Brands' relationship with any of its *other* suppliers. Defendants also contend that they should be permitted to delve into Major Brands' ownership and efforts to sell or transfer any ownership interests, even though Major Brands' ownership is wholly irrelevant to any of the claims or defenses in this action.

4. Under Federal Rule of Civil Procedure 26(c), “[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including” “forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters”

5. Rule 26(b) limits the scope of discovery to matters that are “relevant to any party’s claim or defense and proportional to the needs of the case”

6. As set forth further in Major Brands’ Memorandum in Support of this Motion, filed contemporaneously herewith and incorporated herein by reference, Major Brands’ relationship with other suppliers is wholly irrelevant to any of the claims or defenses in this matter. In short, whether Major Brands and Jägermeister had a franchise relationship—whether there was a community of interest and trademark license between them—is determined *by that relationship*, not by any relationship Major Brands had with any of its other suppliers. Further, Major Brands’ ownership is also wholly unrelated to any of the claims or defenses in this action.

7. The undersigned counsel certifies that counsel for Major Brands has met and conferred by telephone with counsel for Defendants on September 17, 2019 in the attempt to resolve this dispute without court intervention, but that attempt has been unsuccessful.

WHEREFORE, Plaintiff Major Brands, Inc. prays that this Court issue a Protective Order directing that the deposition of Major Brands' corporate representative(s) be limited as described in this motion, and providing such other and further relief as the Court deems just and proper.

Respectfully submitted,

LEWIS RICE LLC

Dated: September 30, 2019

By: /s/ Evan Z. Reid

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